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PROVISIONAL SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 24 July 2003, at 10 a.m.

President: Ms. RASI (Finland)
(Vice-President)

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In the absence of Mr. Rosenthal (Guatemala), Ms. Rasi (Finland), Vice-President, took the Chair.

The meeting was called to order at 10.20 a.m.

IMPLEMENTATION OF AND FOLLOW-UP TO MAJOR UNITED NATIONS CONFERENCES AND SUMMITS (agenda item 6) (continued)

(a) FOLLOW-UP TO THE INTERNATIONAL CONFERENCE ON FINANCING FOR DEVELOPMENT (continued) (E/2003/L.10 and L.39)

Draft resolution on the International Conference on Financing for Development (E/2003/L.39)

The draft resolution was adopted.

The PRESIDENT said that, in view of the adoption of that draft resolution, she assumed that the sponsors of draft resolution E/2003/L.10 wished to withdraw it.

It was so agreed.

COORDINATION, PROGRAMME AND OTHER QUESTIONS (agenda item 7) (continued)

(c) CALENDAR OF CONFERENCES AND MEETINGS IN THE ECONOMIC, SOCIAL AND RELATED FIELDS (continued) (E/2003/L.7 and Corr.1)

Draft resolution on the provisional calendar of conferences and meetings for 2004 and 2005 in the economic, social and related fields (E/2003/L.7 and Corr.1)

The draft resolution was adopted.

(d) INTERNATIONAL COOPERATION IN THE FIELD OF INFORMATICS (continued) (E/2003/L.11/Rev.1)

Draft resolution on the need to harmonize and improve United Nations informatics systems for optimal utilization and accessibility by all States (E/2003/L.11/Rev.1)

The draft resolution was adopted.

(f) MAINSTREAMING A GENDER PERSPECTIVE INTO ALL POLICIES AND PROGRAMMES IN THE UNITED NATIONS SYSTEM (continued) (E/2003/L.24/Rev.1)

Draft resolution on mainstreaming a gender perspective into all policies and programmes in the United Nations system (E/2003/L.24/Rev.1)

Ms. GORELY (Australia) said that Andorra, Austria, Belgium, Canada, Chile, Denmark, Finland, Greece, Hungary, India, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Portugal, Spain, Sweden, Switzerland, United Kingdom and United States of America had become sponsors of the draft resolution.

Mr. DUQUE ESTRADA MEYER (Brazil) said that his delegation wished to become a sponsor of the draft resolution.

Ms. NASCIMBENE de DUMONT (Argentina) said that, while her delegation supported the draft resolution, it wished to draw attention to the statement made by the representative of Argentina before the adoption of resolution 47/2 by the Commission on the Status of Women, entitled "Mainstreaming a gender perspective into all policies and programmes in the United Nations system". The principles underlying her Government's approach to the subject were set out in that statement, which should be seen as the frame of reference for its support for the draft resolution.

The draft resolution was adopted.

(h) AD HOC ADVISORY GROUP ON AFRICAN COUNTRIES EMERGING FROM CONFLICT (continued) (E/2003/L.22)

Draft resolution on ad hoc advisory groups on African countries emerging from conflict (E/2003/L.22)

The draft resolution was adopted.

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (agenda item 9) (continued) (A/58/88-E/2003/84 and E/2003/L.33)

Draft resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (E/2003/L.33)

At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

Andorra, having been drawn by lot by the President, was called upon to vote first.

In favour: Argentina, Benin, Bhutan, Brazil, Burundi, Chile, China, Congo, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Guatemala, India, Iran (Islamic Republic of), Jamaica, Kenya, Libyan Arab Jamahiriya, Malaysia, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Peru, Saudi Arabia, Senegal, South Africa, Uganda, Zimbabwe.

Against: None.

Abstaining: Andorra, Australia, Azerbaijan, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Japan, Netherlands, Portugal, Republic of Korea, Russian Federation, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

The draft resolution was adopted by 32 votes to none, with 20 abstentions.*

Ms. SERWER (United States of America), supported by Ms. GORELY (Australia), said that the specialized agencies of the United Nations had a responsibility to carry out their mandates in non-self-governing territories, but they required no further guidance beyond that already provided in their respective mandates. It was neither appropriate nor necessary to link the work of the specialized agencies to the Declaration on the Granting of Independence to Colonial Countries and Peoples, and it was counterproductive for the Council to devote time to the issue.

Mr. CAVALLARI (Italy), speaking on behalf of the European Union, the acceding countries of Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and the associated countries of Bulgaria, Romania and Turkey, said that the issue was outside the competence of the Council.

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* The delegation of Qatar subsequently informed the Council that it had intended to vote in favour of the draft resolution.

Mr. SHIMIZU (Japan) said that, while he was in favour of the self-determination and independence of colonial countries, the Council was not the appropriate forum in which to address the issue.

Mr. NEBENZIA (Russian Federation) said that the issue was a purely political one that should be removed from the Council's agenda.

The PRESIDENT said that, before concluding its consideration of agenda item 9, the Council might wish to take note of the report of the Secretary-General on assistance to the Palestinian people (A/58/88-E/2003/84).

It was so decided.

REGIONAL COOPERATION (agenda item 10) (continued) (E/2003/15 and Add.1, and 16-20; E/2003/L.16)

Draft resolution on a Europe–Africa permanent link through the Strait of Gibraltar (E/2003/L.16)

The draft resolution was adopted.

The PRESIDENT said that, before concluding its consideration of agenda item 10, the Council might wish to take note of the report of the Secretary-General on regional cooperation in the economic, social and related fields (E/2003/15 and Add.1), the summary of the economic survey of Europe, 2002 (E/2003/16), the summary of the economic and social situation in Africa, 2002 (E/2003/17), the summary of the economic and social survey of Asia and the Pacific, 2003 (E/2003/18), the summary of the economic survey of Latin America and the Caribbean, 2002 (E/2003/19) and the summary of the survey of economic and social developments in the ESCWA region, 2002-2003 (E/2003/20).

It was so decided.

NON-GOVERNMENTAL ORGANIZATIONS (agenda item 12) (continued) (E/2003/32 (Part I); E/2003/L.38)

The PRESIDENT invited the Council to take action on the draft decisions contained in the report of the Committee on Non-Governmental Organizations on its 2003 regular session (E/2003/32 (Part I)).

Draft decision on applications for consultative status and requests for reclassification received from non-governmental organizations (draft decision I).

The draft decision was adopted.

Draft decision on suspension of consultative status (draft decision II).

Mr. KESSEDJIAN (France) said that his delegation had produced an alternative draft decision (E/2003/L.38) that was not intended in any way to cast doubt on the work of the Committee on Non-Governmental Organizations but was simply aimed at rectifying a procedural error. That error, which could have damaging consequences for the non-governmental organization (NGO) concerned, was to have failed to inform the NGO of the Committee's decision and give it time to respond. The Council should not act in haste, but should wait until the correct procedure had been completed before taking any decision on the matter.

Mr. REYES RODRÍGUEZ (Cuba) said that the Committee on Non-Governmental Organizations had, in fact, discussed the matter in depth and at great length. The minority within the Council which did not agree with the Committee's decision must respect the democratic outcome of the Committee's deliberations. Consultative status with the Council was a privilege granted to those NGOs that the Council believed would be able to make a significant contribution to its work. That privilege brought with it responsibilities, the most important of which was to respect the rules guiding the work of the Council, and the Council must act against any NGO that failed to do so.

In the case in point, the NGO concerned had not denied the facts, but openly admitted to them on its own web site. The Committee had already considered the proposal put forward by the representative of France and had decided that action such as that taken by the NGO in question should not go unpunished and that a clear message should be sent to other NGOs. The correct procedure had been observed, and the NGO had had time to respond: the letter in which the Chairperson of the Commission on Human Rights had brought the events to the attention of the Committee had been made public and the Cuban delegation to the Committee had stated from the very beginning of the session that it would be seeking justice for the flagrant violation of the rules by the NGO in question, but the NGO had not seen fit to offer any kind of

explanation to the Committee. As a matter of fact, in the course of the 10 years during which it had enjoyed consultative status, it had never once filed the periodic reports it was required to provide.

His delegation was unable to accept that an organization could act in a way that was incompatible with the Charter of the United Nations and remain unpunished. Its action had been an affront not only to the Chairperson but also to the Commission on Human Rights as a whole. Moreover, its bad behaviour was not confined to the precincts of the United Nations; it had also been fined on several occasions by the French courts for breaking the law of that country, and it had organized defamatory campaigns that affected the development of tourism in developing countries such as Cuba. Under rule 67 of the Council's rules of procedure, he demanded that action be taken first on draft decision II.

Mr. KESSEDJIAN (France) said that his Government was fully committed to democracy but, democracy could function properly only if the rules were respected. The aim of the alternative draft decision (E/2003/L.38) was neither to put forward a minority view nor to grant impunity to certain NGOs, but to ensure that an accused party was given ample opportunity to defend itself, in accordance with paragraph 56 of Council resolution 1996/31 on the consultative relationship between the United Nations and NGOs, which stated that, in cases where the Committee on Non-Governmental Organizations had decided to recommend that the general or special consultative status of an NGO or its listing on the Roster should be suspended or withdrawn, the NGO concerned should be given written reasons for that decision and should have an opportunity to present its response for appropriate consideration by the Committee as expeditiously as possible.

He did not dispute the fact that anyone found guilty of violating the Charter of the United Nations should be punished but an accused party should be given the right to defend itself. The only written communication received by Reporters sans frontières-International had been a letter stating that an extract of the report of the Committee on Non-Governmental Organizations, reflecting the debate of the issue in the Committee, would be provided as soon as the report was issued. To date, that report had neither been adopted nor transmitted to the NGO.

As a result, the NGO had been unable to defend its case. The alternative draft decision was not a new proposal; it merely urged the Committee to hear all the interested parties before suspending the consultative status of the NGO in question.

He proposed, therefore, that the Council should take action on the contents of the alternative draft decision (E/2003/L.38) before considering draft decision II.

Mr. REYES RODRÍGUEZ (Cuba) said that his delegation firmly believed that all accused parties should have the right to defend themselves. However, Reporters sans frontières-International had been given ample opportunity to defend itself and had chosen to remain silent. Allowing the NGO to retain its consultative status until further consideration could be given to the issue at the next session of the Committee on Non-Governmental Organizations - thereby allowing it to participate in the forthcoming session of the Sub-Commission on Human Rights and other important meetings - would be tantamount to endorsing abusive behaviour by NGOs. In the 10 years it had enjoyed consultative status, Reporters sans frontières-International had not submitted a single report to the Committee outlining its activities. Furthermore, resolution 1996/31 in no way stipulated that a written reply from the accused party was required before a decision could be taken. His delegation, therefore, objected to the alternative draft decision and considered that the Council should take action on draft decision II.

Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) said that certain delegations appeared to be trying to use the rules of procedure to impose their views on other delegations. She failed to understand why so much importance was attached to the right of Reporters sans frontières-International to defend itself in view of the fact that it had openly admitted to its acts on its web site. The alternative draft decision seemed to suggest that the Committee on Non-Governmental Organizations had not performed its duties properly. However, the disruptive action by members of Reporters sans frontières-International at the opening meeting of the fifty-ninth session of the Commission on Human Rights in March 2003 had been in contempt of all those participating in the work of the Commission and in contempt of the decision by the African States to elect her as Chairperson of that Commission. Such behaviour could not be tolerated.

She had sent a letter to the Committee on Non-Governmental Organizations giving her version of the events. The secretariat of the Commission had also sent a letter to the Committee condemning the behaviour of that NGO. The Members of the Council should, consequently, take immediate action to suspend the consultative status of Reporters sans frontières-International.

Ms. SERWER (United States of America) said that her delegation strongly supported the concepts of fairness and due process. The draft decision to suspend the consultative status of Reporters sans frontières-International for one year had resulted from a narrow vote in the Committee on Non-Governmental Organizations after several members had requested that no action should be taken until the NGO had been given an opportunity to respond to the accusations made against it. Her delegation believed that a fair reading of Council resolution 1996/31 required that any NGO accused of misconduct should be given the chance to respond to the accusation before the Council took its final decision. Her delegation, therefore, urged the Council to refer the matter to the Committee for further action and supported the alternative draft decision.

Mr. KESSEDJIAN (France) said that his delegation wished neither to condone the behaviour of the representatives of Reporters sans frontières-International nor to challenge the decision by the Heads of African States to appoint a representative of the Libyan Arab Jamahiriya to preside over the fifty-ninth session of the Commission on Human Rights. It merely wished to ensure that the Committee on Non-Governmental Organizations complied with the procedures set out in resolution 1996/31.

Mr. REYES RODRÍGUEZ (Cuba) said that, according to rule 67 of the Council's rules of procedure, if two or more proposals related to the same question, they should, unless the Council decided otherwise, be voted on in the order in which they were submitted. The Council should thus take action on draft decision II before taking action on the alternative draft decision.

After a procedural discussion in which the PRESIDENT, Mr. DUQUE ESTRADA MEYER (Brazil), Mr. KESSEDJIAN (France), Mr. SHEN Yongxiang (China), Mr. BIAOU (Benin) and Mr. LOUTFY (Egypt) took part, Mr. REYES RODRÍGUEZ (Cuba) requested that a roll-call vote be taken on the order in which to vote on the two draft decisions.

At the request of the representative of Cuba, a roll-call vote was taken on the proposal by France to take action first on the alternative draft decision (E/2003/L.38).

Nicaragua, having been drawn by lot by the President, was called upon to vote first.

In favour: Andorra, Australia, Chile, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Netherlands, Nicaragua, Peru, Portugal, Republic of Korea, Romania, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Azerbaijan, Benin, Bhutan, Brazil, Burundi, China, Congo, Cuba, Egypt, Ethiopia, Ghana, Iran (Islamic Republic of), Jamaica, Kenya, Libyan Arab Jamahiriya, Malaysia, Mozambique, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, South Africa, Uganda, Zimbabwe.

Abstaining: Argentina, Ecuador, India, Senegal.

The proposal was rejected by 26 votes to 24, with 4 abstentions.

The PRESIDENT invited the Council to take action on draft decision II.

Mr. MONTWEDI (South Africa), speaking in explanation of vote before the voting on behalf of the African Group, said that the disgraceful actions of Reporters sans frontières-International at the opening meeting of the fifty-ninth session of the Commission on Human Rights had brought the Commission into disrepute. That organization had deliberately violated the rules of procedure, and challenged the very credibility, of the Commission. In the circumstances, it would set a dangerous precedent if the Council failed to take action. The recommendations of the Committee on Non-Governmental Organizations were, under the circumstances, lenient. The fact that Reporters sans frontières-International had, for the past 10 years, failed to fulfil its obligations under paragraph 61 of Council resolution 1996/31, made its suspension under paragraph 57 of the same resolution even more appropriate. The African Group would vote in favour of the draft decision, and urged others to do likewise.

The conduct of the Office of the High Commissioner for Human Rights (OHCHR) during the affair had been tantamount to complicity with Reporters sans frontières-International. The Deputy High Commissioner had made several controversial statements during the session of the Commission on Human Rights on issues where the views of OHCHR had been neither required nor requested. The African Group would be seeking an explanation from the Deputy High Commissioner in that regard.

Mr. SHEN Yongxiang (China), said that the rules of conduct were there to be observed by NGOs and government representatives alike. During the fifty-ninth session of the Commission on Human Rights, two serious violations of the rules of procedure had occurred. First, pamphlets had been distributed in the meeting room, openly insulting the Chairperson. Later, a flag of peace had been unfolded directly in front of the representative of the United States of America. If such incidents were allowed to continue, the personal safety of delegates could be jeopardized. His delegation would vote in favour of the draft decision, in condemnation of the behaviour of the NGO concerned.

Mr. GUEYE (Senegal) said that, although his delegation shared much of the concern expressed by the representative of South Africa on behalf of the African Group, it intended to abstain from voting on the draft decision for reasons it had already expressed to the Committee on Non-Governmental Organizations. While deploring the security lapses that had led to the disgraceful incident during the opening meeting of the fifty-ninth session of the Commission on Human Rights, his delegation was reluctant to deny the right to freedom of expression, especially since the NGO concerned had not been allowed to explain its actions to the Committee on Non-Governmental Organizations.

Ms. BORZI COMMACCHIA (Italy), speaking on behalf of the European Union and the associated countries, said that the countries she represented intended to vote against draft decision II out of concern that correct procedures should be followed.

Mr. KESSEDJIAN (France) said that, in view of the seriousness of the whole affair, it was important that the rules of procedure should be scrupulously respected. His delegation thus intended to vote against draft decision II.

Mr. REYES RODRÍGUEZ (Cuba) said his delegation intended to vote in favour of draft decision II. It also shared the concern expressed by the representative of the African Group regarding the conduct of OHCHR. The secretariats of United Nations bodies were bound to respect the instructions given to them by Member States and should not interfere with the deliberations of intergovernmental decision-making bodies.

At the request of the representative of Cuba, a vote was taken by roll-call.

Portugal, having been drawn by lot by the President, was called upon to vote first.

In favour: Azerbaijan, Benin, Bhutan, Brazil, Burundi, China, Congo, Cuba, Egypt, Ethiopia, Ghana, India, Iran (Islamic Republic of), Jamaica, Kenya, Libyan Arab Jamahiriya, Malaysia, Mozambique, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, South Africa, Uganda, Zimbabwe.

Against: Andorra, Australia, Chile, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Netherlands, Nicaragua, Peru, Portugal, Republic of Korea, Romania, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Ecuador, Japan, Senegal.

Draft decision II was adopted by 27 votes to 23, with 4 abstentions.

Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) said that the decision just adopted sent a clear message to anyone intending to humiliate the Member States or flout the rules of United Nations bodies. The vote was a victory for the dignity of the Member States.

Mr. BIAOU (Benin) said that his delegation had voted in favour of the decision in order to discourage the arrogant behaviour of NGOs directed against Member States. In most cases, such incidents were caused by NGOs from the developed countries, with the intention of undermining the Governments of the South.

Mr. DUQUE ESTRADA MEYER (Brazil) said that his delegation had voted in favour of the decision because NGOs had a responsibility to behave courteously in United Nations meetings. It did not, however, underestimate the crucial role played by NGOs in the work of the Council and its subordinate bodies.

Mr. NTETURUYE (Burundi) said that his delegation had felt the need to send a strong message concerning disrespectful actions of the kind that had occurred. It had not been its intention to vote against any particular country such as France.

The PRESIDENT said she assumed that the Council wished to take no action on the alternative draft decision (E/2003/L.38).

It was so decided.

Draft decision on implementation of the electronic meeting system ("Paperless Committee") (draft decision III)

Ms. SAKAI (Japan) proposed that action on the draft decision be deferred until complete information was available to assess the full impact and cost requirements of the electronic meeting system. In the information note distributed on 22 July, the Council had been informed that such information would not be available until January 2004.

The PRESIDENT said she took it that the Council wished to defer action on draft decision III until the next resumed substantive session.

It was so decided.

Draft decision on the resumed 2003 session of the Committee on Non-Governmental Organizations (draft decision IV)

The draft decision was adopted.

Draft decision on the report of the Committee on Non-Governmental Organizations on its 2003 regular session (draft decision V)

The draft decision was adopted.

ECONOMIC AND ENVIRONMENTAL QUESTIONS (agenda item 13) (continued)

(a) SUSTAINABLE DEVELOPMENT (continued) (E/2003/L.29, L.40, L.41 and L.43)

Draft decision on the report of the Committee for Development Policy on its fifth session (E/2003/L.29)

Mr. DUQUE ESTRADA MEYER (Brazil) said that the words "subject to the concurrence of the Government of Timor Leste" should be deleted from the draft decision, since Timor Leste had already informed the President of the Council of its desire to be added to the list of least developed countries (LDCs).

The draft decision, as orally revised, was adopted.

Draft decision on support for the New Partnership for Africa's Development (E/2003/L.40/Rev.1)

The draft decision was adopted.

Draft decision on preparations for an international meeting to review the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (E/2003/L.41)

The draft decision was adopted.

Draft decision on the report of the Committee for Development Policy on its fifth session (E/2003/L.43)

The draft decision was adopted.

(c) STATISTICS (continued) (E/2003/24)

The PRESIDENT suggested that the Council should defer consideration of the report of the Statistical Commission on its thirty-fourth session (E/2003/24) until a resumed substantive session. She took it, however, that the Council agreed that the thirty-fifth session of the Commission should be held in New York from 2 to 5 March 2004.

It was so decided.

(j) ASSISTANCE TO THIRD STATES AFFECTED BY THE APPLICATION OF SANCTIONS (continued) (E/2003/63; A/57/165 and Add.1)

The PRESIDENT suggested that the Council take note of the note by the Secretary-General (E/2003/63), transmitting the report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/57/165 and Add.1).

It was so decided.

SOCIAL AND HUMAN RIGHTS QUESTIONS (agenda item 14) (continued)

(e) UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued) (E/2003/L.4 and L.14)

Draft decision on enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (E/2003/L.4)

The draft decision was adopted.

Draft decision on enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (E/2003/L.14)

Mr. SETH (Secretary of the Council) said that, in view of the adoption of the draft decision contained in document E/2003/L.4, a technical correction should be made to paragraph (b) of the draft decision in document E/2003/L.14. The number of States should read "from sixty-five to sixty-six". Egypt had also become a sponsor of that draft decision.

The draft decision, as orally corrected, was adopted.

The meeting rose at 12.25 p.m.